

# SENATE, No. 297

## STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

**Sponsored by:**

**Senator THOMAS H. KEAN, JR.**

**District 21 (Essex, Morris, Somerset and Union)**

### **SYNOPSIS**

Provides for an extended term of imprisonment, supervision for life and sex offender registration for the crime of human trafficking under certain circumstances.

### **CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1   **AN ACT** concerning human trafficking and amending various  
2       sections of the statutory law.

3

4       **BE IT ENACTED** by the Senate and General Assembly of the State  
5       of New Jersey:

6

7       1. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read as  
8       follows:

9       2.   a.   (1) A person who has been convicted, adjudicated  
10       delinquent or found not guilty by reason of insanity for commission  
11       of a sex offense as defined in subsection b. of this section shall  
12       register as provided in subsections c. and d. of this section.

13       (2) A person who in another jurisdiction is required to register as  
14       a sex offender and (a) is enrolled on a full-time or part-time basis in  
15       any public or private educational institution in this State, including  
16       any secondary school, trade or professional institution, institution of  
17       higher education or other post-secondary school, or (b) is employed  
18       or carries on a vocation in this State, on either a full-time or a part-  
19       time basis, with or without compensation, for more than 14  
20       consecutive days or for an aggregate period exceeding 30 days in a  
21       calendar year, shall register in this State as provided in subsections  
22       c. and d. of this section. A person who fails to register as required  
23       under this act shall be guilty of a crime of the fourth degree.

24       b. For the purposes of this act a sex offense shall include the  
25       following:

26       (1) Aggravated sexual assault, sexual assault, aggravated  
27       criminal sexual contact, kidnapping pursuant to paragraph (2) of  
28       subsection c. of N.J.S.2C:13-1 or an attempt to commit any of these  
29       crimes if the court found that the offender's conduct was  
30       characterized by a pattern of repetitive, compulsive behavior,  
31       regardless of the date of the commission of the offense or the date  
32       of conviction;

33       (2) A conviction, adjudication of delinquency, or acquittal by  
34       reason of insanity for aggravated sexual assault; sexual assault;  
35       aggravated criminal sexual contact; kidnapping pursuant to  
36       paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the  
37       welfare of a child by engaging in sexual conduct which would  
38       impair or debauch the morals of the child pursuant to subsection a.  
39       of N.J.S.2C:24-4; endangering the welfare of a child pursuant to  
40       paragraphs (3) or (4) or subparagraph (a) of paragraph (5) of  
41       subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to  
42       section 1 of P.L.1993, c.291 (C.2C:13-6); human trafficking  
43       pursuant to section 1 of P.L.2005, c.77 (C.2C:13-8) if the victim is  
44       a minor; criminal sexual contact pursuant to N.J.S.2C:14-3b. if the  
45       victim is a minor; kidnapping pursuant to N.J.S.2C:13-1, criminal

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 restraint pursuant to N.J.S.2C:13-2, or false imprisonment pursuant  
2 to N.J.S.2C:13-3 if the victim is a minor and the offender is not the  
3 parent of the victim; knowingly promoting prostitution of a child  
4 pursuant to paragraph (3) or paragraph (4) of subsection b. of  
5 N.J.S.2C:34-1; or an attempt to commit any of these enumerated  
6 offenses if the conviction, adjudication of delinquency or acquittal  
7 by reason of insanity is entered on or after the effective date of this  
8 act or the offender is serving a sentence of incarceration, probation,  
9 parole or other form of community supervision as a result of the  
10 offense or is confined following acquittal by reason of insanity or as  
11 a result of civil commitment on the effective date of this act;

12 (3) A conviction, adjudication of delinquency or acquittal by  
13 reason of insanity for an offense similar to any offense enumerated  
14 in paragraph (2) or a sentence on the basis of criteria similar to the  
15 criteria set forth in paragraph (1) of this subsection entered or  
16 imposed under the laws of the United States, this State or another  
17 state.

18 c. A person required to register under the provisions of this act  
19 shall do so on forms to be provided by the designated registering  
20 agency as follows:

21 (1) A person who is required to register and who is under  
22 supervision in the community on probation, parole, furlough, work  
23 release, or a similar program, shall register at the time the person is  
24 placed under supervision or no later than 120 days after the  
25 effective date of this act, whichever is later, in accordance with  
26 procedures established by the Department of Corrections, the  
27 Department of Human Services, the Juvenile Justice Commission  
28 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)  
29 or the Administrative Office of the Courts, whichever is responsible  
30 for supervision;

31 (2) A person confined in a correctional or juvenile facility or  
32 involuntarily committed who is required to register shall register  
33 prior to release in accordance with procedures established by the  
34 Department of Corrections, the Department of Human Services or  
35 the Juvenile Justice Commission;

36 (3) A person moving to or returning to this State from another  
37 jurisdiction shall register with the chief law enforcement officer of  
38 the municipality in which the person will reside or, if the  
39 municipality does not have a local police force, the Superintendent  
40 of State Police within 120 days of the effective date of this act or 10  
41 days of first residing in or returning to a municipality in this State,  
42 whichever is later;

43 (4) A person required to register on the basis of a conviction  
44 prior to the effective date who is not confined or under supervision  
45 on the effective date of this act shall register within 120 days of the  
46 effective date of this act with the chief law enforcement officer of  
47 the municipality in which the person will reside or, if the

1 municipality does not have a local police force, the Superintendent  
2 of State Police;

3 (5) A person who in another jurisdiction is required to register as  
4 a sex offender and who is enrolled on a full-time or part-time basis  
5 in any public or private educational institution in this State,  
6 including any secondary school, trade or professional institution,  
7 institution of higher education or other post-secondary school shall,  
8 within ten days of commencing attendance at such educational  
9 institution, register with the chief law enforcement officer of the  
10 municipality in which the educational institution is located or, if the  
11 municipality does not have a local police force, the Superintendent  
12 of State Police;

13 (6) A person who in another jurisdiction is required to register as  
14 a sex offender and who is employed or carries on a vocation in this  
15 State, on either a full-time or a part-time basis, with or without  
16 compensation, for more than 14 consecutive days or for an  
17 aggregate period exceeding 30 days in a calendar year, shall, within  
18 ten days after commencing such employment or vocation, register  
19 with the chief law enforcement officer of the municipality in which  
20 the employer is located or where the vocation is carried on, as the  
21 case may be, or, if the municipality does not have a local police  
22 force, the Superintendent of State Police;

23 (7) In addition to any other registration requirements set forth in  
24 this section, a person required to register under this act who is  
25 enrolled at, employed by or carries on a vocation at an institution of  
26 higher education or other post-secondary school in this State shall,  
27 within ten days after commencing such attendance, employment or  
28 vocation, register with the law enforcement unit of the educational  
29 institution, if the institution has such a unit.

30 d. Upon a change of address, a person shall notify the law  
31 enforcement agency with which the person is registered and shall  
32 re-register with the appropriate law enforcement agency no less  
33 than 10 days before he intends to first reside at his new address.  
34 Upon a change of employment or school enrollment status, a person  
35 shall notify the appropriate law enforcement agency no later than  
36 five days after any such change. A person who fails to notify the  
37 appropriate law enforcement agency of a change of address or status  
38 in accordance with this subsection is guilty of a crime of the fourth  
39 degree.

40 e. A person required to register under paragraph (1) of  
41 subsection b. of this section or under paragraph (3) of subsection b.  
42 due to a sentence imposed on the basis of criteria similar to the  
43 criteria set forth in paragraph (1) of subsection b. shall verify his  
44 address with the appropriate law enforcement agency every 90 days  
45 in a manner prescribed by the Attorney General. A person required  
46 to register under paragraph (2) of subsection b. of this section or  
47 under paragraph (3) of subsection b. on the basis of a conviction for

1 an offense similar to an offense enumerated in paragraph (2) of  
2 subsection b. shall verify his address annually in a manner  
3 prescribed by the Attorney General. One year after the effective  
4 date of this act, the Attorney General shall review, evaluate and, if  
5 warranted, modify pursuant to the "Administrative Procedure Act,"  
6 P.L.1968, c.410 (C.52:14B-1 et seq.) the verification requirement.

7 f. Except as provided in subsection g. of this section, a person  
8 required to register under this act may make application to the  
9 Superior Court of this State to terminate the obligation upon proof  
10 that the person has not committed an offense within 15 years  
11 following conviction or release from a correctional facility for any  
12 term of imprisonment imposed, whichever is later, and is not likely  
13 to pose a threat to the safety of others.

14 g. A person required to register under this section who has been  
15 convicted of, adjudicated delinquent, or acquitted by reason of  
16 insanity for more than one sex offense as defined in subsection b. of  
17 this section or who has been convicted of, adjudicated delinquent,  
18 or acquitted by reason of insanity for aggravated sexual assault  
19 pursuant to subsection a. of N.J.S.2C:14-2 or sexual assault  
20 pursuant to paragraph (1) of subsection c. of N.J.S.2C:14-2 is not  
21 eligible under subsection f. of this section to make application to  
22 the Superior Court of this State to terminate the registration  
23 obligation.

24 (cf: P.L. 2003, c.220,s. 1)

25  
26 2. Section 1 of P.L.2005, c.77 (C.2C:13-8) is amended to read as  
27 follows:

28 1. Human trafficking. a. A person commits the crime of human  
29 trafficking if he :

30 (1) knowingly holds, recruits, lures, entices, harbors, transports,  
31 provides or obtains, by any means, another, to engage in sexual  
32 activity as defined in paragraph (2) of subsection a. of N.J.S.2C:34-  
33 1 or to provide labor or services:

34 (a) by threats of serious bodily harm or physical restraint against  
35 the person or any other person;

36 (b) by means of any scheme, plan or pattern intended to cause  
37 the person to believe that the person or any other person would  
38 suffer serious bodily harm or physical restraint;

39 (c) by committing a violation of N.J.S.2C:13-5 against the  
40 person; or

41 (d) by destroying, concealing, removing, confiscating, or  
42 possessing any passport, immigration-related document as defined  
43 in section 1 of P.L.1997, c.1 (C.2C:21-31), or other document  
44 issued by a governmental agency to any person which could be used  
45 as a means of verifying the person's identity or age or any other  
46 personal identifying information; or

1 (e) by means of the abuse or threatened abuse of the law or legal  
2 process; or

3 (2) receives anything of value from participation as an organizer,  
4 supervisor, financier or manager in a scheme or course of conduct  
5 which violates paragraph (1) of this subsection.

6 b. An offense under this section constitutes a crime of the first  
7 degree.

8 c. It is an affirmative defense to prosecution for a violation of  
9 this section that, during the time of the alleged commission of the  
10 offense of human trafficking created by this section, the defendant  
11 was a victim of human trafficking.

12 d. Notwithstanding the provisions of N.J.S.2C:43-6, the term of  
13 imprisonment imposed for a crime of the first degree under  
14 【paragraph (2) of subsection a.】 this section shall be either a term  
15 of 20 years during which the actor shall not be eligible for parole,  
16 or a specific term between 20 years and life imprisonment, of which  
17 the actor shall serve 20 years before being eligible for parole. If the  
18 victim of the crime is a minor, the defendant shall be sentenced to  
19 an extended term of imprisonment as set forth in paragraph (8) of  
20 subsection a. in N.J.S.2C:43-7. It shall be no defense to a  
21 prosecution under this paragraph that the actor mistakenly believed  
22 that the minor was 18 years of age or older, even if such mistaken  
23 belief was reasonable.

24 Notwithstanding the provisions of N.J.S.2C:1-8 or any other law,  
25 a conviction under this section shall not merge with a conviction of  
26 any other criminal offense, nor shall such other conviction merge  
27 with a conviction under this section, and the court shall impose  
28 separate sentences upon each violation of this section and any  
29 other criminal offense. The court may not suspend or make any  
30 other non-custodial disposition of any person sentenced pursuant to  
31 this section. Nothing contained in this section shall be construed in  
32 any way to preclude or limit the prosecution or conviction of any  
33 person for conspiracy under N.J.S.2C:5-2, or any prosecution or  
34 conviction for any other offense.

35 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-  
36 3, a fine of up to \$500,000 may be imposed.

37 e. In addition to any other disposition authorized by law, any  
38 person who violates the provisions of this section shall be sentenced  
39 to make restitution to any victim. The court shall award to the  
40 victim restitution which is the greater of:

41 (1) the gross income or value to the defendant of the victim's  
42 labor or services; or

43 (2) the value of the victim's labor or services as determined by  
44 the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-  
45 56.25 et seq.), the "New Jersey State Wage and Hour Law,"  
46 P.L.1966, c.113 (C.34:11-56a et seq.), the Seasonal Farm Labor  
47 Act, P.L.1945, c.71 (C.34:9A-1 et seq.), the laws concerning the

1 regulation of child labor in chapter 2 of Title 34 of the Revised  
2 Statutes, or any other applicable State law, and the "Fair Labor  
3 Standards Act of 1938," 29 U.S.C. s.201 et seq. or any other  
4 applicable federal law.  
5 (cf: P.L.2005, c.77, s.1)

6  
7 3. Section 2 of P.L. 1994, c.130 (C.2C:43-6.4) is amended to  
8 read as follows:

9 2. a. Notwithstanding any provision of law to the contrary, a  
10 judge imposing sentence on a person who has been convicted of  
11 aggravated sexual assault, sexual assault, aggravated criminal  
12 sexual contact, kidnapping pursuant to paragraph (2) of subsection  
13 c. of N.J.S.2C:13-1, human trafficking pursuant to section 1 of P.L.  
14 205, c.77 (C.2C:13-8) if the victim was a minor, endangering the  
15 welfare of a child by engaging in sexual conduct which would  
16 impair or debauch the morals of the child pursuant to subsection a.  
17 of N.J.S.2C:24-4, endangering the welfare of a child pursuant to  
18 paragraph (3) of subsection b. of N.J.S.2C:24-4, luring or an  
19 attempt to commit any of these offenses shall include, in addition to  
20 any sentence authorized by this Code, a special sentence of parole  
21 supervision for life.

22 b. The special sentence of parole supervision for life required by  
23 this section shall commence immediately upon the defendant's  
24 release from incarceration. If the defendant is serving a sentence of  
25 incarceration for another offense at the time he completes the  
26 custodial portion of the sentence imposed on the present offense,  
27 the special sentence of parole supervision for life shall not  
28 commence until the defendant is actually released from  
29 incarceration for the other offense. Persons serving a special  
30 sentence of parole supervision for life shall remain in the legal  
31 custody of the Commissioner of Corrections, shall be supervised by  
32 the Division of Parole of the State Parole Board, shall be subject to  
33 the provisions and conditions set forth in subsection c. of section 3  
34 of P.L.1997, c.117 (C.30:4-123.51b) and sections 15 through 19 and  
35 21 of P.L.1979, c.441 (C.30:4-123.59 through 30:4-123.63 and  
36 30:4-123.65), and shall be subject to conditions appropriate to  
37 protect the public and foster rehabilitation. If the defendant violates  
38 a condition of a special sentence of parole supervision for life, the  
39 defendant shall be subject to the provisions of sections 16 through  
40 19 and 21 of P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.63  
41 and 30:4-123.65), and for the purpose of calculating the limitation  
42 on time served pursuant to section 21 of P.L.1979, c.441 (C.30:4-  
43 123.65) the custodial term imposed upon the defendant related to the  
44 special sentence of parole supervision for life shall be deemed to be  
45 a term of life imprisonment. When the court suspends the  
46 imposition of sentence on a defendant who has been convicted of  
47 any offense enumerated in subsection a. of this section, the court

1 may not suspend imposition of the special sentence of parole  
2 supervision for life, which shall commence immediately, with the  
3 Division of Parole of the State Parole Board maintaining  
4 supervision over that defendant, including the defendant's  
5 compliance with any conditions imposed by the court pursuant to  
6 N.J.S.2C:45-1, in accordance with the provisions of this subsection.  
7 Nothing contained in this subsection shall prevent the court from at  
8 any time proceeding under the provisions of N.J.S.2C:45-1 through  
9 2C:45-4 against any such defendant for a violation of any  
10 conditions imposed by the court when it suspended imposition of  
11 sentence, or prevent the Division of Parole from proceeding under  
12 the provisions of sections 16 through 19 and 21 of P.L.1979, c.441  
13 (C.30:4-123.60 through 30:4-123.63 and C.30:4-123.65) against any  
14 such defendant for a violation of any conditions of the special  
15 sentence of parole supervision for life, including the conditions  
16 imposed by the court pursuant to N.J.S.2C:45-1. In any such  
17 proceeding by the Division of Parole, the provisions of subsection  
18 c. of section 3 of P.L.1997, c.117 (C.30:4-123.51b) authorizing  
19 revocation and return to prison shall be applicable to such a  
20 defendant, notwithstanding that the defendant may not have been  
21 sentenced to or served any portion of a custodial term for  
22 conviction of an offense enumerated in subsection a. of this section.

23 c. A person sentenced to a term of parole supervision for life  
24 may petition the Superior Court for release from that parole  
25 supervision. The judge may grant a petition for release from a  
26 special sentence of parole supervision for life only upon proof by  
27 clear and convincing evidence that the person has not committed a  
28 crime for 15 years since the last conviction or release from  
29 incarceration, whichever is later, and that the person is not likely to  
30 pose a threat to the safety of others if released from parole  
31 supervision. Notwithstanding the provisions of section 22 of  
32 P.L.1979, c.441 (C.30:4-123.66), a person sentenced to a term of  
33 parole supervision for life may be released from that parole  
34 supervision term only by court order as provided in this subsection.

35 d. A person who violates a condition of a special sentence  
36 imposed pursuant to this section without good cause is guilty of a  
37 crime of the fourth degree. Notwithstanding any other law to the  
38 contrary, a person sentenced pursuant to this subsection shall be  
39 sentenced to a term of imprisonment, unless the court is clearly  
40 convinced that the interests of justice so far outweigh the need to  
41 deter this conduct and the interest in public safety that a sentence to  
42 imprisonment would be a manifest injustice. Nothing in this  
43 subsection shall preclude subjecting a person who violates any  
44 condition of a special sentence of parole supervision for life to the  
45 provisions of sections 16 through 19 and 21 of P.L.1979, c.441  
46 (C.30:4-123.60 through 30:4-123.63 and C.30:4-123.65) pursuant to



1 the provisions of subsection c. of section 3 of P.L.1997, c.117  
2 (C.30:4-123.51b).

3 e. A person who, while serving a special sentence of parole  
4 supervision for life imposed pursuant to this section, commits a  
5 violation of N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:11-5,  
6 subsection b. of N.J.S.2C:12-1, N.J.S.2C:13-1, N.J.S.2C:13-6,  
7 N.J.S.2C:14-2, N.J.S.2C:14-3, N.J.S.2C:24-4, N.J.S.2C:18-2 when  
8 the offense is a crime of the second degree, section 1 of P.L.2005,  
9 c.77 (C.2C:13-8) if the victim is a minor or subsection a. of  
10 N.J.S.2C:39-4 shall be sentenced to an extended term of  
11 imprisonment as set forth in N.J.S.2C:43-7, which term shall,  
12 notwithstanding the provisions of N.J.S.2C:43-7 or any other law,  
13 be served in its entirety prior to the person's resumption of the term  
14 of parole supervision for life.  
15 (cf: P.L.2003, c.267, s.1)

16

17 4. N.J.S.2C:43-7 is amended to read as follows:

18 2C:43-7. Sentence of Imprisonment for Crime; Extended Terms.

19 a. In the cases designated in section 2C:44-3, a person who has  
20 been convicted of a crime may be sentenced, and in the cases  
21 designated in subsection e. of section 2 of P.L.1994, c.130  
22 (C.2C:43-6.4), in subsection b. of section 2 of P.L.1995, c.126  
23 (C.2C:43-7.1) and in the cases designated in section 1 of P.L.1997,  
24 c.410 (C.2C:44-5.1), a person who has been convicted of a crime  
25 shall be sentenced, to an extended term of imprisonment, as  
26 follows:

27 (1) In case of aggravated manslaughter sentenced under  
28 subsection c. of N.J.S.2C:11-4; or kidnapping when sentenced as a  
29 crime of the first degree under paragraph (1) of subsection c. of  
30 2C:13-1; or aggravated sexual assault if the person is eligible for an  
31 extended term pursuant to the provisions of subsection g. of  
32 N.J.S.2C:44-3 for a specific term of years which shall be between  
33 30 years and life imprisonment;

34 (2) Except for the crime of murder and except as provided in  
35 paragraph (1) of this subsection, in the case of a crime of the first  
36 degree, for a specific term of years which shall be fixed by the court  
37 and shall be between 20 years and life imprisonment;

38 (3) In the case of a crime of the second degree, for a term which  
39 shall be fixed by the court between 10 and 20 years;

40 (4) In the case of a crime of the third degree, for a term which  
41 shall be fixed by the court between five and 10 years;

42 (5) In the case of a crime of the fourth degree pursuant to 2C:43-  
43 6c, 2C:43-6g and 2C:44-3d for a term of five years, and in the case  
44 of a crime of the fourth degree pursuant to any other provision of  
45 law for a term which shall be fixed by the court between three and  
46 five years;

1 (6) In the case of the crime of murder, for a specific term of  
2 years which shall be fixed by the court between 35 years and life  
3 imprisonment, of which the defendant shall serve 35 years before  
4 being eligible for parole;

5 (7) In the case of kidnapping under paragraph (2) of subsection  
6 c. of 2C:13-1, for a specific term of years which shall be fixed by  
7 the court between 30 years and life imprisonment, of which the  
8 defendant shall serve 30 years before being eligible for parole;

9 (8) In the case of human trafficking in violation of section 1 of  
10 P.L. 2005, c.77 (C.2C:13-8) if the victim was a minor, for a specific  
11 term of years which shall be fixed by the court between 30 years  
12 and life imprisonment, of which the defendant shall serve 30 years  
13 before being eligible for parole.

14 b. As part of a sentence for an extended term and  
15 notwithstanding the provisions of 2C:43-9, the court may fix a  
16 minimum term not to exceed one-half of the term set pursuant to  
17 subsection a. during which the defendant shall not be eligible for  
18 parole or a term of 25 years during which time the defendant shall  
19 not be eligible for parole where the sentence imposed was life  
20 imprisonment; provided that no defendant shall be eligible for  
21 parole at a date earlier than otherwise provided by the law  
22 governing parole.

23 c. In the case of a person sentenced to an extended term  
24 pursuant to 2C:43-6c, 2C:43-6f and 2C:44-3d, the court shall  
25 impose a sentence within the ranges permitted by 2C:43-7a(2), (3),  
26 (4) or (5) according to the degree or nature of the crime for which  
27 the defendant is being sentenced, which sentence shall include a  
28 minimum term which shall, except as may be specifically provided  
29 by N.J.S.2C:43-6f, be fixed at or between one-third and one-half of  
30 the sentence imposed by the court or five years, whichever is  
31 greater, during which the defendant shall not be eligible for parole.  
32 Where the sentence imposed is life imprisonment, the court shall  
33 impose a minimum term of 25 years during which the defendant  
34 shall not be eligible for parole, except that where the term of life  
35 imprisonment is imposed on a person convicted for a violation of  
36 N.J.S.2C:35-3, the term of parole ineligibility shall be 30 years.

37 d. In the case of a person sentenced to an extended term  
38 pursuant to N.J.S.2C:43-6g, the court shall impose a sentence  
39 within the ranges permitted by N.J.S.2C:43-7a(2), (3), (4) or (5)  
40 according to the degree or nature of the crime for which the  
41 defendant is being sentenced, which sentence shall include a  
42 minimum term which shall be fixed at 15 years for a crime of the  
43 first or second degree, eight years for a crime of the third degree, or  
44 five years for a crime of the fourth degree during which the  
45 defendant shall not be eligible for parole. Where the sentence  
46 imposed is life imprisonment, the court shall impose a minimum  
47 term of 25 years during which the defendant shall not be eligible for

1 parole, except that where the term of life imprisonment is imposed  
2 on a person convicted of a violation of N.J.S.2C:35-3, the term of  
3 parole eligibility shall be 30 years.  
4 (cf: P.L.2003, c.267, s.4)

5  
6 5. N.J.S. 2C:44-3 is amended to read as follows:

7 2C:44-3. Criteria for Sentence of Extended Term of  
8 Imprisonment.

9 The court may, upon application of the prosecuting attorney,  
10 sentence a person who has been convicted of a crime of the first,  
11 second or third degree to an extended term of imprisonment if it  
12 finds one or more of the grounds specified in subsection a., b., c., or  
13 f. of this section. If the grounds specified in subsection d. are found,  
14 and the person is being sentenced for commission of any of the  
15 offenses enumerated in N.J.S.2C:43-6c. or N.J.S.2C:43-6g., the  
16 court shall sentence the defendant to an extended term as required  
17 by N.J.S.2C:43-6c. or N.J.S.2C:43-6g., and application by the  
18 prosecutor shall not be required. The court shall, upon application  
19 of the prosecuting attorney, sentence a person who has been  
20 convicted of a crime under N.J.S.2C:14-2 or N.J.S.2C:14-3 to an  
21 extended term of imprisonment if the grounds specified in  
22 subsection g. of this section are found. The court shall, upon  
23 application of the prosecuting attorney, sentence a person who has  
24 been convicted of a crime to an extended term of imprisonment if  
25 the grounds specified in subsection h. of this section are found. The  
26 court shall, upon application of the prosecuting attorney, sentence a  
27 person to an extended term if the imposition of such term is  
28 required pursuant to the provisions of section 2 of P.L.1994, c.130  
29 (C.2C:43-6.4). The court shall, upon application of the prosecuting  
30 attorney, sentence a person to an extended term if the grounds  
31 specified in subsection i. of this section are found. The finding of  
32 the court shall be incorporated in the record.

33 a. The defendant has been convicted of a crime of the first,  
34 second or third degree and is a persistent offender. A persistent  
35 offender is a person who at the time of the commission of the crime  
36 is 21 years of age or over, who has been previously convicted on at  
37 least two separate occasions of two crimes, committed at different  
38 times, when he was at least 18 years of age, if the latest in time of  
39 these crimes or the date of the defendant's last release from  
40 confinement, whichever is later, is within 10 years of the date of the  
41 crime for which the defendant is being sentenced.

42 b. The defendant has been convicted of a crime of the first,  
43 second or third degree and is a professional criminal. A  
44 professional criminal is a person who committed a crime as part of  
45 a continuing criminal activity in concert with two or more persons,  
46 and the circumstances of the crime show he has knowingly devoted  
47 himself to criminal activity as a major source of livelihood.

- 1       c. The defendant has been convicted of a crime of the first,  
2 second or third degree and committed the crime as consideration for  
3 the receipt, or in expectation of the receipt, of anything of pecuniary  
4 value the amount of which was unrelated to the proceeds of the  
5 crime or he procured the commission of the offense by payment or  
6 promise of payment of anything of pecuniary value.
- 7       d. Second offender with a firearm. The defendant is at least 18  
8 years of age and has been previously convicted of any of the  
9 following crimes: 2C:11-3, 2C:11-4, 2C:12-1b., 2C:13-1, 2C:14-  
10 2a., 2C:14-3a., 2C:15-1, 2C:18-2, 2C:29-5, 2C:39-4a., or has been  
11 previously convicted of an offense under Title 2A of the New  
12 Jersey Statutes or under any statute of the United States or any other  
13 state which is substantially equivalent to the offenses enumerated in  
14 this subsection and he used or possessed a firearm, as defined in  
15 2C:39-1f., in the course of committing or attempting to commit any  
16 of these crimes, including the immediate flight therefrom.
- 17       e. (Deleted by amendment, P.L.2001, c.443).
- 18       f. The defendant has been convicted of a crime under any of the  
19 following sections: N.J.S.2C:11-4, N.J.S.2C:12-1b., N.J.S.2C:13-1,  
20 N.J.S.2C:14-2a., N.J.S.2C:14-3a., N.J.S.2C:15-1, N.J.S.2C:18-2,  
21 N.J.S.2C:29-2b., N.J.S.2C:29-5, N.J.S.2C:35-5, and in the course of  
22 committing or attempting to commit the crime, including the  
23 immediate flight therefrom, the defendant used or was in possession  
24 of a stolen motor vehicle.
- 25       g. The defendant has been convicted of a crime under  
26 N.J.S.2C:14-2 or N.J.S.2C:14-3 involving violence or the threat of  
27 violence and the victim of the crime was 16 years of age or less.
- 28       For purposes of this subsection, a crime involves violence or the  
29 threat of violence if the victim sustains serious bodily injury as  
30 defined in subsection b. of N.J.S.2C:11-1, or the actor is armed with  
31 and uses a deadly weapon or threatens by word or gesture to use a  
32 deadly weapon as defined in subsection c. of N.J.S.2C:11-1, or  
33 threatens to inflict serious bodily injury.
- 34       h. The crime was committed while the defendant was knowingly  
35 involved in criminal street gang related activity. A crime is  
36 committed while the defendant was involved in criminal street gang  
37 related activity if the crime was committed for the benefit of, at the  
38 direction of, or in association with a criminal street gang. "Criminal  
39 street gang" means three or more persons associated in fact.  
40 Individuals are associated in fact if (1) they have in common a  
41 group name or identifying sign, symbol, tattoo or other physical  
42 marking, style of dress or use of hand signs or other indicia of  
43 association or common leadership, and (2) individually or in  
44 combination with other members of a criminal street gang, while  
45 engaging in gang related activity, have committed, conspired or  
46 attempted to commit, within the preceding three years, two or more  
47 offenses of robbery, carjacking, aggravated assault, assault,

1 aggravated sexual assault, sexual assault, arson, burglary,  
2 kidnapping, extortion, or a violation of chapter 11, section 3, 4, 5, 6  
3 or 7 of chapter 35 or chapter 39 of Title 2C of the New Jersey  
4 Statutes regardless of whether the prior offenses have resulted in  
5 convictions.

6 The court shall not impose a sentence pursuant to this subsection  
7 unless the ground therefore has been established by a  
8 preponderance of the evidence established at a hearing, which may  
9 occur at the time of sentencing. In making its finding, the court  
10 shall take judicial notice of any testimony or information adduced at  
11 the trial, plea hearing or other court proceedings and also shall  
12 consider the presentence report and any other relevant information.

13 i. The defendant has been convicted of a crime under section 1  
14 of P.L. 2005, c.77 (C. 2C:13-8) if the victim of the crime was a  
15 minor.

16 (cf: P.L.2001, c.443, s.8)

17  
18 6. This act shall take effect immediately.

19  
20  
21 STATEMENT

22  
23 This bill would provide for a mandatory term of imprisonment  
24 and increase the fine for the crime of human trafficking. In addition,  
25 this bill would provide for an extended term of imprisonment,  
26 registration under “Megan’s Law,” and parole supervision for life if  
27 the victim is a minor.

28 The new crime of human trafficking was established in 2005  
29 pursuant to P.L.2005, c.77. Human trafficking is a crime of the first  
30 degree which carries a term of imprisonment of 10-20 years, a fine  
31 of up to \$200,000 or both. Currently, this law provides for a  
32 mandatory term of imprisonment of 20 years during which time the  
33 defendant would not be eligible for parole, or a specific term  
34 between 20 years and life imprisonment, of which the defendant  
35 would serve 20 years before being eligible for parole if the  
36 defendant participated in the human trafficking scheme as an  
37 organizer, supervisor, financier or manager.

38 This bill would eliminate this qualification for the mandatory  
39 term of imprisonment and provide for a mandatory minimum term  
40 imprisonment for the crime of human trafficking regardless of  
41 whether the defendant acted as an organizer, supervisor, financier or  
42 manager. The bill would also provide for an extended term of  
43 imprisonment if the victim was a minor. The bill would provide that  
44 a conviction for human trafficking would not merge with a  
45 conviction for any other criminal offense. In addition, the bill would  
46 increase the fine to \$500,000. (*See: Section 2 of the bill*).

1       This bill would also amend “Megan’s law,” N.J.S.A.2C:7-2 to  
2       require persons convicted of human trafficking when the victim is a  
3       minor to register as a sex offender. (*See: Section 1 of the bill*).

4       The bill would amend N.J.S.A.2C:43-6.4 to authorize a judge  
5       who is imposing a sentence on a person who has been convicted of  
6       human trafficking when the victim is a minor to include, in addition  
7       to the term of incarceration, a special sentence of parole supervision  
8       for life. In addition, the bill would add human trafficking when the  
9       victim is a minor to the list of enumerated crimes which if  
10      committed by a person while serving a special sentence of parole  
11      supervision for life would trigger an extended term of  
12      imprisonment, provided an application has been made by the  
13      prosecutor. (*See: Section 3 of the bill*).

14      The bill would also amend N.J.S.A.2C:43-7 and N.J.S.A.2C:44-3  
15      to provide for the extended term for human trafficking when the  
16      victim is a minor which would be fixed between 30 years and life  
17      imprisonment, of which the defendant would serve 30 years before  
18      being eligible for parole. This extended term provision is similar to  
19      the current extended term for kidnapping. (*See: Sections 4 and 5 of*  
20      *the bill*).